

Marie-Ann Greenberg, MAG-1284
Marie-Ann Greenberg, Standing Trustee
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FAIRFIELD, NJ 07004-1550
973-227-2480
Chapter 13 Standing Trustee

IN RE:

WILLIAM P. CHAPMAN

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

Case No.: 09-38216 NLW

**OBJECTION TO DEBTOR'S MOTION FOR A
HARDSHIP DISCHARGE**

Hearing Date: June 7, 2010 at 9:00 a.m.

Marie-Ann Greenberg, the Chapter 13 Standing Trustee, by way of objection to the Debtor's Motion for a Hardship Discharge, respectfully objects as follows:

To obtain a hardship discharge the debtor must adhere to the requirements of Section 1328(b)(1-3) of the Code. In the above case the debtor appears to meet these requirements in that death is clearly a circumstance out of the debtor's control and renders modification to the plan not practicable. However, 1328(b)(2) causes some concerns because the debtor at the time of filing this case was not entitled to a discharge under Chapter 7 as he had previously obtained a Chapter 7 discharge within the 8 years prior to filing the instant case (See 05-12314). While the debtor's schedules reveal fully exempted assets thus passing the liquidation part of the test, the debtor was not entitled to such a Chapter 7 discharge and in order to obtain such a discharge, the estate should pay the remaining balance of the plan (\$4,224.19).

The Trustee also takes issue with the death certificate listed as an exhibit in both docket numbers 21 and 22 in that the debtor's social security number is not redacted. This is a personal identifier as

described in Section 101(41)(a) of the Code. A Motion to seal this exhibit from the public record should be made immediately.

For these reasons and any others the Court deems fit, the Motion for Hardship Discharge should be denied.

Dated: May 10, 2010

By: /S/ Brian M. Knapp
Brian M. Knapp
Staff Attorney for the
Chapter 13 Standing Trustee